

IBM CORPORATION
INTELLECTUAL PROPERTY LAW DEPARTMENT
11400 BURNET ROAD
AUSTIN, TEXAS 78758
FAX # 512

RECEIVED
CENTRAL FAX CENTER

OCT 21 2005

DATE: 10/21/05
Number of Pages to Follow (including cover sheet) 5

SEND TO: United States Patent Office
Examiner: Eric Woods
Group Art Unit: 2672
Tel No: 571-272-7775
Fax #: 571-273-8300

FROM: J.B. KRAFT
Tel No: 512-473-2203

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS ABOVE VIA THE U.S. POSTAL SERVICE. THANK YOU.

Docket No. 09-0447 Serial No. 10/728,165 Atty: J.B. KRAFT
Applicant: J. G. Twait

<input type="checkbox"/> Transmittal Letter (2 copies)	<input type="checkbox"/> Certificate of Facsimile
<input type="checkbox"/> Preliminary Amendment	<input type="checkbox"/> Notice of Appeal
<input type="checkbox"/> Amendment AF	<input type="checkbox"/> Appeal Brief (3 copies)
<input type="checkbox"/> Ext. of Time	<input type="checkbox"/> Reply Brief
<input type="checkbox"/> IDS Statement	<input type="checkbox"/> Change of Address
<input checked="" type="checkbox"/> Other	

Supplemental Response to Interim

Deposit Acct. No.

09-0447

Fees: Amendment ☐ Notice of Appeal ☐ Appeal Brief ☐ Other ☐

BEST AVAILABLE COPY

OCT-22-05 02:11 AM JB.KRAFT

512 473 8803

P.02

PATENT
10/728,165

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
In re application of:

Joshua G. Twait	: Group Art Unit: 2677
Serial No: 10/728,165	: Examiner: Eric Woods
Filed: 12/04/2003	: Customer No. 32,329
Title: A COMPUTER DISPLAY	: Intellectual Property
SYSTEM FOR DYNAMICALLY	: Law Department - 4054
MODIFYING STACKED AREA LINE	: International Business
GRAPHS TO CHANGE THE ORDER OR :	: Machines Corporation
PRESENCE OF A SET OF STACKED :	: 11400 Burnet Road
AREAS IN THE GRAPH :	: Austin, Texas 78758
RESPECTIVELY REPRESENTATIVE :	
OF THE PROPORTIONS :	
CONTRIBUTED TO A TOTAL BY :	
EACH OF A SET OF TIME :	
DEPENDENT VARIABLES :	
Date: <u>10/21/05</u>	:

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence including the present Response and accompanying Transmittal letter is being transmitted via facsimile to USPTO, Group Art Unit 2677 at telephone number 571-273-8300, and to the attention of Examiner Eric Woods on 10/21/05.

JB.KRAFT
[Signature]
Signature

Date

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AUS920030627US1

1

BEST AVAILABLE COPY

PATENT
10/728,165

SUPPLEMENTAL RESPONSE AFTER EXAMINER INTERVIEW

Applicant thanks Examiner Eric Woods and the Primary Examiner for the telephone Interview had on October 21, 2005.

The undersigned has reviewed some of the points made by Examiner and offers the following comments. For a disclosure of the claimed element of "an ordered set of areas under a line representative of the total value of said time dependent variable", the Examiner pointed to the bar graph unit 41 with portions 43 and 45 which Examiner is believed to have asserted corresponded to thematic components 34 and 35 of the corresponding linear graph. However, Applicant has read column 6, lines 6-13 describing that graph and finds that there is not such a correspondence. Portion 43 actually represents the cumulative strength of all themes i.e. both components 34 and 35 while portion 45 represents the cumulative strength of themes not represented in the illustration. Accordingly, it is not seen what the bar graph would contribute to the issue of obviousness.

Also, in the interview, Applicant believes that Examiner noted Fig. 14 as described in column 25 of the modifying Rao reference. There are two "columns" in the illustrative spreadsheet represented by variable linear graphs in Fig. 4: elements 62 and 64. In element 62, the batting averages of baseball players are shown numerically in the spreadsheet are each graphically represented in a corresponding variation in a linear graph. In element 64, the career batting averages of baseball players are sorted in the spreadsheet in descending numerical order, and thus are graphically represented in a linear graph which correspondingly descends. The pertinence is not seen as it is not suggestive of any manipulation of the graph itself. It is not clear from the disclosure of Rao but if the

AUS920630627US1

2

BEST AVAILABLE COPY

PATENT
10/728,165

Examiner is asserting that there is a reordering from the graph 62 to the graph 64, it is not the graph itself which is being reordered. In Rao, any changes in the graphs are the result of changes in the ordering of the of the columns and rows of the spreadsheet itself.

Applicant has also read the description of Fig. 8, "lens" function in Rao, columns 21 and 22, and still can find anything suggestive of the manipulation by reordering and/or hiding contributing of a time dependent cumulative graph. The best interpretation that can be accorded to Rao is still that it discloses a specific implementation in which graphical images may be rendered in tables of columns and rows for better defined presentation. While the columns and rows may be manipulated and reordered, nothing is suggested about the reordering and manipulation of the graphical images themselves of Rao. It is still submitted that the Rao teaching would lead away from the present invention. Rao converts the visual graphic images into tables because his graphics can not be manipulated or reordered. Thus, the suggestion from Rao is that if you are to manipulate and reorder graphic images, you convert such images to a table format. This leads away from the present invention where the graphic images themselves are manipulated.

The rejection still uses Applicant's disclosure as a guideline, and the picks relatively vague and obscure elements from the lengthy and cumbersome Rao reference to combine with the basic elements of Havre solely based on Applicant's own teaching.

AUS920030627US1

3

PATENT
10/728,165

As Applicants suggested in the Interview, if the amendment would result in allowance, Applicants would be willing to amend the independent claims so that the stacked linear graph structure of claim 2 would define the claim coverage.

Respectfully submitted,

JB Kraft 10/21/05
J.B. Kraft
Attorney for Applicants
Registration No. 19,226
(512) 473-2303

ALL CORRESPONDENCE SHOULD BE DIRECTED TO:

Jeffrey S. LaBaw
IPLaw Dept. - IMAD 4054
IBM Corporation
11400 Burnet Road
Austin, Texas 78758

AUS920D30627US1

4